

(REV 08/04)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

BU-097XX

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/506 654

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.  
PCT/US03/07123

INTERNATIONAL FILING DATE  
10 March 2003

PRIORITY DATE CLAIMED  
08 March 2002

TITLE OF INVENTION METHOD FOR LINEARIZING DEFLECTION OF A MEMS DEVICE USING  
BINARY ELECTRODES AND VOLTAGE MODULATION

APPLICANT(S) FOR DO/EO/US  
MARK N. HORENSTEIN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected. (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not transmitted by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)).
  - a. ☐ is attached hereto.
  - b. ☐ had been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☒ are attached herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (signed)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 20. below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98; PTO Form 1449; Int'l Search Report (copy)
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 U.S.C. §1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. <b>10/506654</b> INTERNATIONAL APPLICATION NO. PCT/US03/07123		ATTORNEY'S DOCKET NUMBER BU-097XX	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO <span style="float: right;"><b>\$1,080.00</b></span>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <span style="float: right;"><b>\$920.00</b></span>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;"><b>\$770.00</b></span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$730.00</b></span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$100.00</b></span>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS</b> PTO USE ONLY																					
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	<b>\$ 770.00</b>																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>31 - 20 =</td> <td>11</td> <td>X <b>\$18.00</b></td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>X <b>\$86.00</b></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+<b>\$290.00</b></td> </tr> <tr> <td colspan="3"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td><b>\$ 968.00</b></td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	31 - 20 =	11	X <b>\$18.00</b>	Independent claims	3 - 3 =	0	X <b>\$86.00</b>	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$290.00</b>	<b>TOTAL OF ABOVE CALCULATIONS =</b>			<b>\$ 968.00</b>	<b>\$ 0.00</b>	
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	<b>\$ 484.00</b>																					
<b>SUBTOTAL =</b>	<b>\$ 484.00</b>																					
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	<b>\$ 0.00</b>																					
<b>TOTAL NATIONAL FEE =</b>	<b>\$ 484.00</b>																					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property	<b>\$ 0.00</b>																					
<b>TOTAL FEES ENCLOSED =</b>	<b>\$ 484.00</b>																					
	<b>Amount to be refunded:</b>	\$																				
	<b>charged:</b>	\$																				

  

a.	<input checked="" type="checkbox"/>	A check in the amount of <u>\$484.00</u> to cover the above fees is enclosed. A check in the amount of \$_____ is enclosed for the assignment recordation fee.
b.	<input type="checkbox"/>	Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0804</u> . A duplicate copy of this sheet is enclosed.

  

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the international application to pending status.**

  

<b>[X] Customer Number 207</b>  <div style="text-align: center;"> </div> Attorney Signature: _____ Attorney Name: Charles L. Gagnebin III CLG/dkh/310859	which is associated with the Law Firm of: WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP Ten Post Office Square Boston, Massachusetts 02109 United States Telephone: (617) 542-2290 Fax: (617) 451-0313  Date: <u>9-3-4</u> Registration No: 25,467
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